

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the concurrently filed 132 Declaration and in view of the reasons that follow.

Claim Rejections Under 35 USC § 103

To establish a *prima facie* case of obviousness, there must be (1) motivation to combine or modify references, (2) a reasonable expectation of success and (3) a teaching or suggestion of all the elements of the claims. If applicants can demonstrate that at least one of these elements has not been met, the obviousness rejection must fall. As evidenced by the attached declaration, applicants contend that a *prima facie* case of obviousness has not been established. Moreover, the comparative examples of the present specification are within the teachings of the cited references. Applicants have demonstrated unexpected results in relation to the comparative examples and the prior art.

As stated in the attached 132 Declaration by Dr. Häussler, at the time of the present invention one of ordinary skill in the art would not have been able to reasonably predict that a multi-layered film would have no yield point. The films of US Patent No. 5,783,269 (Heilmann) would not have been expected to have a zero yield point and therefore one of skill in the art, when viewing the teachings of Heilmann, would not have expected that when combine with UK Patent Application No. 2,001,080 (Collette) that a zero yield point film would have resulted. Therefore, one of ordinary skill in the art would not have had a reasonable expectation of success of the present invention.

Moreover, as stated in the 132 Declaration, Comparative Examples 2 and 5 of the present specification fall within the present teachings of Heilmann. As can be seen from Table 3 of the present specification, these polymers show a yield point. Therefore, the present invention shows an unexpected improvement over the films disclosed by Heilmann.

Finally, as noted in the 132 Declaration, the polymers of Collette are special because of their chemical structure and are not related to the polymers disclosed by Heilmann.

Therefore, one of ordinary skill in the art would not have been motivated to select the polymers of Collette are replace them with the polymers of Heilmann.

Conclusion

In conclusion applicant requests that the present rejection be withdrawn and believes that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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